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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,343

02/26/2004

Guy Hubert Stephane Sylvain Culeron

AA-615M3

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06/13/2006

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/787,343	Applicant(s) STEPHANE SYLVAIN CULERON ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 pages</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on March 30, 2006.
2. Claims 1-9, 11-15 are pending. The status identifiers of claims 11-15 should have been correctly identified as “previously presented”.
3. Claims 1-9, 11-15 **stand** provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 and 11-15 of copending Application No. 10/787,266 in view of Van Dijk et al. (US Patent No. 5,663,136) for the reasons set forth in the previous office actions.
4. The terminal disclaimer filed on March 30, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending Application No. 10/787,342 has been reviewed and is accepted. The terminal disclaimer has been recorded.
5. The declaration under 37 CFR 1.132 filed March 30, 2006 is sufficient to overcome the rejections based upon Fowler in view of Balzer, and Fowler in view of Balzer in further view of Boehm or Baeck. The declaration provided sufficient distinction between true solutions or emulsion with microemulsion or protomicroemulsion.

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6. The rejection of claims 1-4, 6-9, 11, 13-15 under 35 U.S.C. 103(a) as being unpatentable over Fowler et al. (US Patent No. 5,635,469) in view of Balzer (US Patent No. 5,858,954) is withdrawn in view of Applicants' arguments.

7. The rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Balzer in further view of Boehm et al. (US Patent No. 3,422,993) is withdrawn in view of Applicants' arguments.

8. The rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Balzer as applied to the above claims and further in view of Baeck is withdrawn in view of Applicants' arguments.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-2, 4, 6-8, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loth et al. (US Patent No. 5,075,026), hereinafter "Loth".

Loth teaches an improved all-purpose liquid cleaner in the form of a dilute microemulsion composition containing 1% to 10% by weight of an anionic detergent, 2 to 10% by weight of cosurfactant, 0.4% to 10% by weight of perfume and the balance water, or a concentrated microemulsion composition (which read on protomicroemulsion) containing by weight, 18% to 65% of anionic and nonionic detergent, 2% to 30% of cosurfactant, 10% to 50%

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of perfume and the balance water which upon dilution with water will yield said dilute o/w microemulsion composition (see abstract; col. 1, lines 5-9). The dilute o/w microemulsion detergent cleaning compositions of the present invention may often include as much as about 0.2% to about 7% by weight, based on the total composition, of terpene solvents introduced thereinto via the perfume component (see col. 5, lines 15-21). In final form, the all-purpose liquids are clear oil-in-water microemulsions (see col. 13, lines 25-27), hence, the perfumes are non-visible droplets having diameters within those recited, and should have water solubility within those recited. The microemulsion is also construed to read on Newtonian fluids. When intended for use in the neat form, the liquid compositions can be packaged under pressure in an aerosol container or in a pump-type sprayer for the so-called spray-and-wipe type of application (see col. 13, lines 45-48). Loth, however, fails to disclose a dispenser which generates a foam having a foam to weight ratio greater than about 2 ml/g.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a dispenser, i.e., pump-type sprayer wherein the foam generated from the dispenser would exhibit a foam having a foam to weight ratio within those recited because similar ingredients with overlapping viscosity and similar dispenser have been utilized.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loth in view of Fowler et al. (US Patent No. 5,635,469) hereinafter "Fowler".

Loth teaches the features as described above. Loth, however, fails to disclose a foaming dispenser with three meshes.

Fowler teaches a similar composition in a nonaerosol dispenser having three meshes (see col. 22, line 59 to col. 23, line 5). Foams containing relatively large diameter bubbles can be refined by forcing said foams through various foam refining means including screens, porous frits, porous media and combination thereof (see col. 19, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the dispenser of Fowler having three meshes because such use would provide refined foams as taught by Fowler.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loth in view of Baeck et al. (US Patent No. 5,679,630), hereinafter "Baeck"

Loth teaches the features as described above. Loth, however, fails to disclose the incorporation of enzymes into the composition.

Baeck teaches protease enzymes having improved proteolytic activity, substrate specificity, stability and/or enhanced performance (see col. 1, lines 53-58) which can be used in any detergent composition or concentrated detergent compositions where high sudsing and/or good insoluble substrate removal are desired (see col. 21, lines 1-12) such as in cleaning fabrics, cleaning dishes and for personal cleansing (see col. 2, lines 16-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate enzymes into the composition of Loth because this would provide improved proteolytic activity, substrate specificity, stability and/or enhanced performance as taught by Baeck.

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13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loth as applied to the above claims, and further in view of Boehm et al. (US Patent No. 3,422,993), hereinafter "Boehm".

Loth teaches the features as described above. Loth, however, fails to specifically disclose a foam-generating dispenser comprising a sponge.

Boehm teaches a dispensing device and package for common household products for cleaning as well as personal products wherein the dispenser is provided with a porous material, for example the natural sponges (see col. 3, lines 48-66).

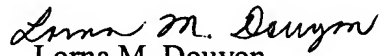
It would have been obvious to one of ordinary skill in the art at the time the invention was made to use sponge as the porous media in the dispenser of Loth because it is known from Boehm that the common porous media in foam dispensing devices are sponges.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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